

In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 13717 of 2006

Date of Decision: 31.08.2006

The Executive Engineer, Public Health, Division No. 1, Bhiwani and
another

...Petitioners

Versus

The Presiding Officer of the Authority under The Minimum Wages
Act, 1948 for Bhiwani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Harish Rathee, Sr. DAG, Haryana,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

The State of Haryana through the Executive Engineer, Public Health, Division No. 1, Bhiwani, has approached this Court for setting aside the award dated 31.1.2006, passed by the respondent No. 1 Authority under the Minimum Wages Act, 1948 (P-1). The Authority has granted minimum wages in favour of the workman-respondent No. 2 @ Rs. 900/-. The total award is for an amount of Rs. 11,489/- representing a period of six months commencing from 1.7.2000 to 31.12.2000 @ Rs. 1914.86 paise p.m., although the workman-respondent No. 2 has claimed the aforementioned amount for period of 1.3.1999 to 31.12.2000. There are categorical findings

that the workman-respondent No. 2 has worked on the tubewell, which was owned by petitioner Nos. 1 and 2 i.e. State of Haryana and not by the Gram Panchayat. On the basis of the aforementioned findings, the claim made by the workman-respondent No. 2 to the extent of six months, as stated above, has been granted in his favour by passing the impugned award.

Mr. Harish Rathee, learned State counsel has assailed the award by raising a solitary argument, namely that the findings on Issue No. 1 are erroneous as the workman-respondent No. 2 has not been able to prove that he was actually employed and worked for the period for which salary by way of award has been given to him. According to the learned counsel, merely because the tubewell is owned by the petitioners and he had earlier been given wages for working as Tubewell Operator would not necessarily lead to a conclusion that he was working for a later period as well in respect of which award has been given.

Having heard the learned counsel, we are of the view that the aforementioned argument is totally misplaced because a state of thing which is shown to be in existence in a prior point of time would be deemed to be continued until and unless contrary is shown. The petitioners have not been able to place on record any document showing that after the earlier period of working, which is admitted, either the services of workman-respondent No. 2 were terminated or he was relieved or retrenched. In the absence of any evidence to the contrary it cannot be concluded that the workman-respondent No. 2 was not working from 1.3.1999 to 31.12.2000. It is pertinent to mention that the Authority had earlier decided the claim of the

workman for the period from 1.1.1998 to 28.2.1999. On account of the statutory restriction to award the salary/wages for a period of six months, the Authority has confined the claim of the workman-respondent No. 2 only to that period. Even otherwise the amount is too meagre warranting interference of this Court. We do not find any illegality or irregularity in the view taken by the Authority. The writ petition is wholly misconceived and accordingly the same is dismissed.

(M.M. KUMAR)
JUDGE

August 31, 2006
Pkapoor

(M.M.S. BEDI)
JUDGE